IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4079 OF 2004

Siraj Ibrahim Pathan & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.V.M.Thorat for Applicants.

Mr.S.R.Shinde, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

OCTOBER 5, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. After going through the record, I am not inclined to grant bail to Applicant No.1 Siraj Ibrahim Pathan, who is original accused No.3. The role ascribed to him by the witnesses is that he was weilding cycle chain and was assaulting by that cycle chain. Therefore, Application insofar as Applicant No.1/accused No.3 is concerned, is not

pressed by the Counsel appearing for the said accused before this Court.

3. Insofar as Applicants 2 to 10 are concerned, the prosecution case as against them is that they were engaged in pelting stones and some of them were weilding sticks. The fatal injury is caused to the victim by sharp edged weapon, as is seen from the medical certificate. Besides, it is common ground that names of Applicants 5 to 9 do not appear in the First Information Report, but have been implicated subsequently on the basis of evidence collected during investigation. As it was a group fight, the possibility of involving more persons from the rival group, cannot be ruled out. As the investigation is complete and charge-sheet has been filed, taking overall view of the matter, in my opinion, Applicants 2 to 10 deserve to be enlarged on bail on following conditions:

(a) The Applicants 2 to 10 are enlarged on bail in connection with C.R.No.149/04 registered with Jail Road Police Station, Solapur, on executing personal bond in the sum of Rs.25,000/-

(Rupees Twenty-five Thousand) each and two local sureties in the like amount, to be offered by each of the said Applicant.

(b) The Applicants 2 to 10 shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicants 2 to 10 shall report to the concerned Investigating Officer once in fortnight on Saturday between 10.00 a.m. to 2.00 p.m. during the pendency of the trial.

(d) The Applicants 2 to 10 shall not leave the jurisdiction of Jail Road Police Station, Solapur without prior intimation to the concerned Investigating Officer.

(e) The Applicants 2 to 10 shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicants 2 to 10 are responsible for the delay of the trial, that fact be recorded in the Roznama and the same can be a ground for

cancellation of bail.

. Application disposed of on the above terms.

A.M.KHANWILKAR, J.